

REMARKS

Applicant has amended claims 1 and 3 and canceled claim 2 without prejudice. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected claims 1 and 3 under 35 USC 103 as being obvious over Righetti, stating that Righetti shows a free bending fishing lure having a plurality of segments 200A, 300A, 400A which are spaced in a direction of length of the main body, a flexible core member 900 which passes through the plurality of segments and is bendable in gaps between the segments, but does not disclose that the main body is made by insert segments or that the flexible core would have a plurality of holes therein; however, it is the Examiner's opinion that the utilization of insert molding would have been obvious to one of ordinary skill in the art and the use of an adhesive in Righetti suggests filling in the holes in the stainless steel mesh of Righetti.

In reply thereto, Applicant would like to first point out that Righetti shows and suggests that the lure would be made in three pieces, namely a left hand section and a right hand section together with the thin membrane. These three pieces would then be bonded together using an adhesive and Applicant respectfully submits that the adhesive is separate and apart from either of the three pieces or portions. Accordingly, Applicant respectfully submits that there is no showing or suggestion to one of ordinary skill in the art that the lure of Righetti would be made by insert molding or that holes would be provided in the flexible core which would be filled by the material from the segments during the insert molding process. Still further, Applicant respectfully submits that Righetti does not show or disclose or suggest that a hole would be formed in the middle portion of the thin metal sheet and a float would be provided in that hole.

In addition and as to particularly claim 1, claim 1 requires that the core member comprise a flexible wire with stopper blocks and cushion members, all of which are not shown or suggested by Righetti.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner is not suggested by the art and one of ordinary skill in the art would not be motivated to make the combination suggested by the Examiner. Therefore, Applicant respectfully submits that claims 1 and 3 are not obvious over Righetti.

The Examiner has rejected claims 1 and 2 under 35 USC 103 as being obvious over Smith, stating that Smith shows a free bending fishing lure having a plurality of segments 10 forming a main body in a spaced relationship as shown in Fig. 1 and a flexible core member 12 which passes through the plurality of segments wherein the flexible core member is bendable in gaps between the segments, stopper blocks 14 inserted into the segments at both ends and cushion members 13 between the segments.

In reply thereto, Applicant has carefully reviewed Smith and respectfully submits that element 14 is merely a sealant provided at each end of each of the segments in the bores through the segments to anchor the wires in each segment and not into only the end segments at both ends of the main body as in Applicant's invention. Still further, Applicant respectfully submits that element 13 is not a cushion member and is instead an eye loop formed from the wire (see col. 2, lines 37-38). Finally, Applicant respectfully submits that Smith does not show or disclose that the cushion members are partially inserted into the end segments and partially exposed in the gaps or the particular shape of the cushion member as is now claimed by Applicant's claim 1.

In view of the above, therefore, Applicant respectfully submits that claim 1 is not obvious over Smith.

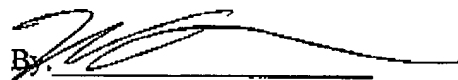
Applicant further respectfully and retroactively requests a three month extension of time so as to respond to the Office Action. Please charge Deposit Account No. 11-1445 in the sum of \$475.00 as the fee.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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William L. Androlia

Name

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